

Notice of Allowability

Application No.

10/786,432

Examiner

Gary E. Elkins

Applicant(s)

ALEXANDER ET AL.

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examination of the application.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20040225
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Gary E. Elkins
GARY E. ELKINS
PRIMARY EXAMINER
ART UNIT 3727

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claims 1-7 are considered allowable over the prior art of record insofar as none of the prior art is suggestive of the container combination as defined in claim 1. Specifically, claim 1 defines the combination of a top member and a bottom member where each member is thermoformed from absorbent corrugated paperboard, a rim releasably bonded with the other rim by a cohesive and an unsealed interior surface. Claim 1 also defines the bottom member as including a grease barrier within the interior of the corrugated material. The bottom member as claimed will allow grease to penetrate through the unsealed interior and to be stopped by the barrier while the top permits the moisture to be absorbed into the interior of the corrugated board. The cited patent to Valdman et al discloses a pizza container formed by a molded top and bottom. The top is made to absorb the moisture from the food and the bottom is made with raised projections and a sealed bottom surface so that the liquid will collect away from pizza but not into the material. Valdman et al fails to suggest use of corrugated board in both the top and bottom, the concept of using the corrugated board to trap the liquid or a cohesive bonding the rims together. The patents to Grone, Andersson and Foote each disclose multi-layer molded trays with apertures in the bottom to allow fluid to be absorbed by an absorbent inner layer. The patents to Plummer et al, Schneider et al, Smith, Hall and Evans each disclose corrugated material being used in a tray. The patents Harby and Jensen disclose fold-up (not molded) containers with flanges being secured using a cohesive. The patents to Kresse et al and Hollinger, Jr. disclose corrugated board with inner layers of plastic to strengthen the board. While the picking and choosing of the various features of these patents could be used to make a

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rejection of claim 1, such a combination would be considered hindsight reconstruction of the invention. None of the prior art of record suggests making the combination as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."